

ceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

“(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

“(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Veterans' Administration, or by or against any individual in the official capacity of such individual as an officer of the Veterans' Administration, shall abate by reason of the enactment of this Act.

“(e) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Veterans' Administration shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department of Veterans Affairs.

“(f) COMPENSATION FOR CONTINUED SERVICE.—Any person—

“(1) who acts as Secretary or Deputy Secretary of the Department of Veterans Affairs under section 3(e);

“(2) who continues to serve as Chief Medical Director [now Under Secretary for Health] or Chief Benefits Director [now Under Secretary for Benefits] of such department under section 3(f) or (g), respectively;

“(3) who acts as the Director of the National Cemetery System [now Under Secretary of Veterans Affairs for Memorial Affairs] under section 3(h); or

“(4) who acts as General Counsel of the Department of Veterans Affairs under section 8(b);

after the effective date of this Act and before the first appointment of a person to such position after such date shall continue to be compensated for so serving or acting at the rate at which such person was compensated before the effective date of this Act.

“[SEC. 12. Repealed. Pub. L. 102-83, §3(3), Aug. 6, 1991, 105 Stat. 402.]

“SEC. 14. ADDITIONAL CONFORMING AMENDMENTS.

“After consultation with the appropriate committees of the Congress, the Secretary of Veterans Affairs shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to title 38, United States Code, and to other provisions of law, which reflect the changes made by this Act. Such legislation shall be submitted not later than 6 months after the date of enactment of this Act [Oct. 25, 1988].

“[SEC. 16. Repealed. Pub. L. 102-83, §3(3), Aug. 6, 1991, 105 Stat. 402.]

“SEC. 18. EFFECTIVE DATE.

“(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on March 15, 1989.

“(b) APPOINTMENT OF SECRETARY.—Notwithstanding any other provision of law or of this Act, the President may, any time after January 21, 1989, appoint an individual to serve as Secretary of the Department of Veterans Affairs.”

EX. ORD. NO. 13793. IMPROVING ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION AT THE DEPARTMENT OF VETERANS AFFAIRS

Ex. Ord. No. 13793, Apr. 27, 2017, 82 F.R. 20539, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Purpose.* This order is intended to improve accountability and whistleblower protection at the Department of Veterans Affairs (VA) by directing the Sec-

retary of Veterans Affairs (Secretary) to establish within the VA an Office of Accountability and Whistleblower Protection and to appoint a Special Assistant to serve as Executive Director of the Office.

SEC. 2. *Establishing a VA Office of Accountability and Whistleblower Protection.* (a) Within 45 days of the date of this order, and to the extent permitted by law, the Secretary shall establish in the VA the Office of Accountability and Whistleblower Protection (Office), and shall appoint a Special Assistant, reporting directly to the Secretary, to serve as Executive Director of the Office. The VA shall provide funding and administrative support for the Office, consistent with applicable law and subject to the availability of appropriations.

(b) To the extent permitted by law, the Office shall: (i) advise and assist the Secretary in using, as appropriate, all available authorities to discipline or terminate any VA manager or employee who has violated the public's trust and failed to carry out his or her duties on behalf of veterans, and to recruit, reward, and retain high-performing employees;

(ii) identify statutory barriers to the Secretary's authority to discipline or terminate any employee who has jeopardized the health, safety, or well-being of a veteran, and to recruit, reward, and retain high-performing employees; and report such barriers to the Secretary for consideration as to the need for legislative changes;

(iii) work closely with relevant VA components to ensure swift and effective resolution of veterans' complaints of wrongdoing at the VA; and

(iv) work closely with relevant VA components to ensure adequate investigation and correction of wrongdoing throughout the VA, and to protect employees who lawfully disclose wrongdoing from retaliation.

(c) In establishing the Office, the Secretary shall consider, in addition to any other relevant factors:

(i) whether some or all of the functions of the Office are currently performed by an existing VA office, component, or program;

(ii) whether certain administrative capabilities necessary for operating the Office are redundant with those of another VA office, component, or program; and

(iii) whether combining the Office with another VA office, component, or program may improve the VA's efficiency, effectiveness, or accountability.

SEC. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 302. Seal

(a) The Secretary of Veterans Affairs shall cause a seal of office to be made for the Department of such device as the President shall approve. Judicial notice shall be taken of the seal.

(b) Copies of any public document, record, or paper belonging to or in the files of the Department, when authenticated by the seal and certified by the Secretary (or by an officer or employee of the Department to whom authority has been delegated in writing by the Secretary), shall be evidence equal with the original thereof.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 379.)

PRIOR PROVISIONS

Prior section 302 was renumbered section 1102 of this title.

Provisions similar to those in this section were contained in section 202 of this title prior to repeal by Pub. L. 102-83, §2(a).

§ 303. Secretary of Veterans Affairs

There is a Secretary of Veterans Affairs, who is the head of the Department and is appointed by the President, by and with the advice and consent of the Senate. The Secretary is responsible for the proper execution and administration of all laws administered by the Department and for the control, direction, and management of the Department.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 379.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 210(a), (b)(1) of this title and in second and third sentences of section 2 of Pub. L. 100-527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102-83, §§2(a), 3(1).

SECRETARY'S APPROVAL OF RESEARCH USING CANINES, FELINES, OR NON-HUMAN PRIMATES

Pub. L. 116-94, div. F, title II, §249, Dec. 20, 2019, 133 Stat. 2806, provided that:

“(a) None of the funds appropriated or otherwise made available by this Act [div. F of Pub. L. 116-94, see Tables for classification] may be used to conduct research commencing on or after October 1, 2019, that uses any canine, feline, or non-human primate unless the Secretary of Veterans Affairs approves such research specifically and in writing pursuant to subsection (b).

“(b)(1) The Secretary of Veterans Affairs may approve the conduct of research commencing on or after October 1, 2019, using canines, felines, or non-human primates if the Secretary determines that—

“(A) the scientific objectives of the research can only be met by using such canines, felines, or non-human primates;

“(B) such scientific objectives are directly related to an illness or injury that is combat-related; and

“(C) the research is consistent with the revised Department of Veterans Affairs canine research policy document dated December 15, 2017, including any subsequent revisions to such document.

“(2) The Secretary may not delegate the authority under this subsection.

“(c) If the Secretary approves any new research pursuant to subsection (b), not later than 30 days before the commencement of such research, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a report describing—

“(1) the nature of the research to be conducted using canines, felines, or non-human primates;

“(2) the date on which the Secretary approved the research;

“(3) the justification for the determination of the Secretary that the scientific objectives of such research could only be met using canines, felines, or non-human primates;

“(4) the frequency and duration of such research; and

“(5) the protocols in place to ensure the necessity, safety, and efficacy of the research; and

“(d) Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], and biannually thereafter, the Secretary shall submit to such Committees a report describing—

“(1) any research being conducted by the Department of Veterans Affairs using canines, felines, or

non-human primates as of the date of the submittal of the report;

“(2) the circumstances under which such research was conducted using canines, felines, or non-human primates;

“(3) the justification for using canines, felines, or non-human primates to conduct such research; and

“(4) the protocols in place to ensure the necessity, safety, and efficacy of such research.

“(e) Not later than December 31, 2020, the Secretary shall submit to such Committees a plan under which the Secretary will eliminate or reduce the research conducted using canines, felines, or non-human primates by not later than five years after the date of the enactment of this Act.”

PLANS FOR USE OF SUPPLEMENTAL APPROPRIATIONS REQUIRED

Pub. L. 115-182, title I, §141, June 6, 2018, 132 Stat. 1429, as amended by Pub. L. 115-251, title II, §211(b)(3), Sept. 29, 2018, 132 Stat. 3176, provided that: “Whenever the Secretary of Veterans Affairs submits to Congress a request for supplemental appropriations or any other appropriation outside the standard budget process to address a budgetary issue affecting the Department of Veterans Affairs, the Secretary shall, not later than 45 days before the date on which such budgetary issue would start affecting a program or service, submit to Congress a justification for the request, including a plan that details how the Secretary intends to use the requested appropriation and how long the requested appropriation is expected to meet the needs of the Department and certification that the request was made using an updated and sound actuarial analysis.”

INCLUSION IN ANNUAL BUDGET SUBMISSION OF INFORMATION ON CAPACITY OF VETERANS BENEFITS ADMINISTRATION TO PROCESS BENEFITS CLAIMS

Pub. L. 114-315, title I, §106, Dec. 16, 2016, 130 Stat. 1542, provided that:

“(a) IN GENERAL.—Along with the supporting information included in the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code, the President shall include information on the capacity of the Veterans Benefits Administration to process claims for benefits under the laws administered by the Secretary of Veterans Affairs, including information described in subsection (b), during the fiscal year covered by the budget with which the information is submitted.

“(b) INFORMATION DESCRIBED.—The information described in this subsection is the following:

“(1) An estimate of the average number of claims for benefits under the laws administered by the Secretary, excluding such claims completed during mandatory overtime, that a single full-time equivalent employee of the Administration should be able to process in a year, based on the following:

“(A) A time and motion study that the Secretary shall conduct on the processing of such claims.

“(B) Such other information relating to such claims as the Secretary considers appropriate.

“(2) A description of the actions the Secretary will take to improve the processing of such claims.

“(3) An assessment of the actions identified by the Secretary under paragraph (2) in the previous year and an identification of the effects of those actions.

“(c) EFFECTIVE DATE.—This section shall apply with respect to any budget submitted as described in subsection (a) with respect to any fiscal year after fiscal year 2018.”

INFORMATION TO BE INCLUDED IN BUDGET JUSTIFICATION DOCUMENTS FOR CONSTRUCTION, MAJOR PROJECTS ACCOUNT

Pub. L. 114-223, div. A, title II, §258, Sept. 29, 2016, 130 Stat. 895, provided that:

“(a) In fiscal year 2017 and each fiscal year hereafter, beginning with the fiscal year 2018 budget request sub-